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	6	Attorneys for Complainant		
	7			
	8	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS		
1	10			
		, STATE OF CALL	IFORNIA	
1	1	In the Matter of the Accusation Against:	Case No. 2008 - 315	
1	12	, and the second	2008- 513	
1	3	DAVID A. DUTCHER 21213-B Hawthorne Blvd., #5402	ACCUSATION	
1	4	Torrance, CA 90503		
	5	Registered Nurse License No. 680153		
	16	Respondent.		
17		Complainant alleges:		
1	8	PARTIES		
19				
. 2	20	1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation		
2	21	solely in her official capacity as the Executive Officer of the Board of Registered Nursing		
2	22	("Board"), Department of Consumer Affairs.		
23		2. On or about June 6, 2006, the Board issued Registered Nurse License		
2	24	Number 680153 to David A. Dutcher ("Respondent")). Respondent's registered nurse license	
2	25	was in full force and effect at all times relevant to the charges brought herein and will expire on		
March 31, 2010, unless renewed.				
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STATUTORY PROVISIONS

- 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 4. Code section 2761, subdivision (a)(4), states that the Board may take disciplinary action against a certified or licensed nurse for unprofessional conduct, which includes, but is not limited to, denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

Cost Recovery

5. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Disciplinary Action by the State of Washington Nursing Care Quality Assurance Commission)

6. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined by the State of Washington Nursing Care Quality Assurance Commission (hereinafter "Commission"), as follows: In or about February 2007, pursuant to the Stipulated Findings of Fact, Conclusions of Law, and Agreed Order entered in the disciplinary proceeding titled *In the Matter of the License to Practice as a Registered Nurse of: David A. Dutcher, License No. RN00131711*, Docket No. 06-05-A-1001RN, the Commission placed Respondent's license to practice as a registered nurse in the state of Washington on probation for 27 months on terms and

- a. Respondent was employed as a registered nurse manager at Pleasant Acres Adult Family Home, Lynden, Washington, and was responsible for monitoring Patient A. On or about May 9, 2005, Respondent identified what he determined to a small cyst on Patient A, and left a message for Patient A's physician about the cyst. On or about June 9, 2005, Respondent identified and documented that patient A's cyst had opened. Respondent telephoned Patient A's physician, but failed to follow up to ensure that the physician received the telephone call.
- b. In October 1996, the Pennsylvania State Board of Chiropractic placed Respondent on a one (1) year probationary period. This disciplinary action was based upon Respondent's use of bee sting therapy, his immobilization treatment of fractured limbs using plaster casts, and his having advertised that he "specializes" in the treatment of various types of ailments, when he was not, in fact, certified in any chiropractic specialty.
- c. Respondent represented himself on his business card as "Dr. David A. Dutcher, MSN, RN, DC". On or about November 18, 1999, Respondent's application to practice as a chiropractor in the state of Washington was denied for at least 10 years based on his failure to disclose discipline of his chiropractor license in the state of Pennsylvania.
- d. Respondent committed unprofessional conduct in violation of RCW 18.130, 180(3), (5), and (7), and WAC 246-840-700(3)(a), based on the acts or omissions set forth in subparagraphs (a) through (c) above.

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PRAYER

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2	WHEREFORE, Complainant requests that a hearing be held on the matters herein		
3	alleged, and that following the hearing, the Board of Registered Nursing issue a decision:		
4	1. Revoking or suspending Registered Nurse License Number 680153, issued		
5	to David A. Dutcher;		
6	2. Ordering David A. Dutcher to pay the Board of Registered Nursing the		
7	reasonable costs of the investigation and enforcement of this case, pursuant to Business and		
8	Professions Code section 125.3;		
9	3. Taking such other and further action as deemed necessary and proper.		
10	DATED: 5 (12/08.		
11			
12	RUTH ANN TERRY, M.P.H., R.N. Executive Officer		
13	Board of Registered Nursing Department of Consumer Affairs		
14	State of California		
15	Complainant		
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